IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16371 of 2004

Between:

M.Satyamma W/o. M.Sreeramulu
F.P.Shop Dealer, Krishnamreddipalli Vaillage, Anantapur Mandal, Anantapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer Anantapur, Anantapur District
2 The Mandal Revenue Officer Anantapur, Anantapur District.

3. P.Ranga Reddy, S/o. P.C. Narasimha Reddyi, Hindu, 54 years,

F.P.Shop dealer, residing at Krishnamreddipalli, Ananthapur

Mandal and District.

(3rd respondent impleaded as per the orders in W.P.M.P.No.23845/2004

dated 28.10.2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent, orally directing the petitioner not to pay any challans for lifting the stocks as illegal, arbitrary and in violation of principles of Natural Justice and further direct the respondent No.2 to release the stocks as usual to the petitioner in pursuance of the authorisation Rc.D1/CS/381/2003 bearing No.393/2004) dated 23.7.2004 issued by the 1st respondent to run the F.P.Shop at Krishamreddypalli Village, Anantapur Mandal and District..

Counsel for the Petitioner: MR. GANDURI NAGESWARA RAO

Counsel for the Respondents 1 &2: GP FOR CIVIL SUPPLIES

Counsel for the 3rd respondent : Sri P.Nagendra Reddy

The Court at the admission stage made the following order :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16371 OF 2004

ORAL ORDER :

This writ petition is filed seeking a declaration that the action of the second respondent – Mandal Revenue Officer, Anantapur in not releasing the stocks to the petitioner as arbitrary and illegal.

The petitioner claims to be the fair price shop dealer of Krishnamreddipalli Village, Ananthapur Mandal, Ananthapur District. It is contended that since the petitioner is holding a valid authorization, she is entitled to distribute the commodities and the action of the respondents in not releasing the stocks is arbitrary and illegal.

This Court while directing notice, by order dated 14-09-2004 directed the respondents to release the essential commodities to the petitioner if she is holding a valid authorization and the same is subsisting as on that date.

Though the respondents 1 and 2 have not filed any counter-affidavit, from the counter-affidavit filed by the third respondent, who got himself impleaded to the writ petition, it is clear that the third respondent is the permanent dealer in respect of the

shop in question and that his authorization was suspended pending enquiry into certain allegations, however, the 1st respondent – Revenue Divisional Officer, Ananthapur, after conducting due enquiry, by order dated 04-09-2004 restored the authorization of the third respondent.

The fact that the petitioner was appointed on temporary basis in a vacancy caused due to the suspension of the authorization of the third respondent is not disputed by the learned Counsel for the petitioner. It is also not in dispute that the authorization of the third respondent has now been restored by the Revenue Divisional Officer vide proceedings dated 04-09-2004. If that be so, the writ petitioner who is a temporary dealer cannot make any claim for release of the stocks after the restoration of authorization of the original dealer.

Accordingly, the Writ Petition is dismissed. No costs.

However, this shall not preclude the petitioner to challenge the order dated 04-09-2004 by working out the appropriate remedy as available under law.

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28th October, 2004.

gbs

To

1 The Revenue Divisional Officer Anantapur, Anantapur District
2 The Mandal Revenue Officer Anantapur, Anantapur District.

3.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad (OUT).

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